

## TITLE 3: ADMINISTRATION

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## **Chapter 3.05 General Provisions**

### **§ 3.05.005 Council Meetings.**

The regular meetings of the city council shall be held on the 2nd and 4th Monday of each month at the hour of 7:00 p.m. in the city council chambers of city hall.

### **§ 3.05.010 Council Compensation.**

Pursuant to Government Code Section 36516, each member of the city council shall receive as salary the sum of \$600 per month. Such salary shall be payable at the same time and in the same manner as salaries are paid to other officers and employees. The city council may increase its salary in accordance with the provisions of Government Code Sections 36516 et seq. (Ord. No. 1561)

### **§ 3.05.015 City Clerk Compensation.**

The compensation of the city clerk shall be designated in the city council resolution establishing salary rates for management and non-represented employees.

### **§ 3.05.020 Bond Requirements.**

A corporate surety bond is hereby prescribed for the city clerk and the city manager and is fixed in the sum of \$2,500. A corporate surety bond is hereby prescribed for the city treasurer and is fixed in the amount of \$25,000. The city shall pay the premium for these bonds.

### **§ 3.05.025 Administrative Departments.**

Unless otherwise required by the city charter or other applicable law, the city council may by resolution establish the offices and positions for the city government, the duties incident thereto and the salaries to be paid therefore and time of payment.

### **§ 3.05.030 Redevelopment Agency.**

A. Declaration of Findings. In accordance with the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), it is hereby found and declared that there is a need for the redevelopment agency created by such statute to function in the city. Such agency is hereby authorized to transact business and exercise its powers under the Community Redevelopment Law.

B. Agency Constitution. The city council hereby declares itself to be the redevelopment agency of the city. All rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in such agency are vested in the city council.

C. Exclusion of Residential Areas. The redevelopment agency shall not include in any redevelopment project land within the city that was zoned, developed and used as residential property on March 20, 1967, the effective date of the ordinance enacting this provision.

**§ 3.05.035 Surplus Property.**

The city manager may sell or exchange city supplies and equipment that are no longer used, have become obsolete or are worn out. Any such sales shall be conducted in accordance with the requirements of the purchasing ordinance.

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## **Chapter 3.10**

### **Boards and Commissions**

#### **§ 3.10.005 Environmental Quality Control Board.**

A. Establishment. The environmental quality control board is hereby established for the purpose of exercising such powers and performing such duties as are prescribed by this code.

B. Composition. The environmental quality control board shall consist of 5 members. The members of the board shall be appointed and subject to removal in accordance with the city charter. The term of membership on the board shall be 4 years.

C. Meetings. Regular meetings of the environmental quality control board shall be held once per month on a day and at a time fixed by board resolution and confirmed by the city council. The city clerk shall distribute minutes of board meetings to the city council.

D. Powers and Duties. The environmental quality control board shall have the following powers and duties:

1. To study the environment of the city and to investigate all threats to the maintenance of a high quality, clean environment for the city.

2. To report to the city council its recommendations for legislation or other action deemed necessary or appropriate for the maintenance or improvement of a high quality, clean environment for the city.

3. To report to the city council its recommendations for legislation or other action deemed necessary or appropriate for the mitigation of threats to the maintenance of a high quality, clean environment for the city.

4. To exercise such other powers and to perform such other duties as may be delegated from time to time by resolution, ordinance or other action of the city council.

#### **§ 3.10.010 Planning Commission.**

A. Establishment. The planning commission is hereby established for the purpose of exercising such powers and performing such duties as are prescribed by this code.

B. Composition. The planning commission shall consist of 5 members. The members of the commission shall be appointed and subject to

approval in accordance with the city charter. The term of membership on the commission shall be 4 years. (Ord. No. 1583)

C. Meetings. Regular meetings of the planning commission shall be held twice per month on a day and at a time fixed by commission resolution and confirmed by the city council. The city clerk shall distribute minutes of commission meetings to the city council. (Ord. No. 1593)

D. Powers and Duties. The planning commission shall have the following powers and duties:

1. To remain informed on matters affecting the function and duties of, and matters before, the commission.

2. To exercise such powers and perform such duties as are provided by state law for planning commissions of general law cities.

### **§ 3.10.015 Recreation and Parks Commission.**

A. Establishment. The recreation and parks commission is hereby established for the purpose of exercising such powers and performing such duties as are prescribed by this code.

B. Composition. (Ord. No. 1582)

1. Regular Members. The recreation and parks commission shall consist of 5 regular members. The regular members of the commission shall be appointed and subject to removal in accordance with the city charter. The term of membership on the commission for regular members shall be 4 years.

2. Ex Officio Members. The city council additionally may appoint ex-officio members to the commission in such numbers and for such terms as deemed appropriate. Such ex-officio members shall not have the authority to vote on commission actions.

C. Meetings. Regular meetings of the recreation and parks commission shall be held once per month on a day and at a time fixed by commission resolution and confirmed by the city council. The city clerk shall distribute minutes of commission meetings to the city council.

D. Powers and Duties. The recreation and parks commission shall have the following powers and duties:

1. To advise the city council in the advancement of sound recreation and parks planning and programming.

2. To periodically prepare an inventory of recreation services that exists or may be needed in the city, and to convey the results of such inventory to the city council.

3. To aid in coordinating recreation services with programs of other governmental agencies and civic groups.

4. To advise the city council in the preparation of long-range recreation capital improvement programs.

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## **Chapter 3.15**

### **Personnel**

(Ord. No. 1545)

#### **§ 3.15.005 Civil Service.**

A. The provisions of the City Charter, this code, Memoranda Of Understanding and the Personnel Rules and Regulations govern the civil service. In the event of any inconsistency, the city charter and this code shall prevail. Pursuant to Article IX of the city charter, the following personnel system is hereby adopted.

B. No person shall have any authority, either directly or indirectly, to modify any provision of this chapter, or to take any action in conflict with the requirements and provisions set forth herein. Amendments and modifications to this chapter shall be effective only upon formal adoption of an ordinance by the city council in accordance with applicable law.

#### **§ 3.15.010 Authority of City Manager.**

A. Personnel Officer. The city manager shall be the ex officio personnel officer. With the approval of the city council, the city manager may delegate any of the personnel officer powers and duties to any other officer or employee of the city. The city manager shall:

1. Administer all the provisions of this chapter and of the personnel rules and regulations not specifically reserved to the city council;
2. Prepare and submit to the city council revisions and amendments to the personnel rules and regulations;
3. Prepare a Position Classification Plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the city council.
4. Prepare a Plan of Compensation, and revisions thereof, covering all classifications in the competitive service. The plan, and any revisions thereof, shall become effective upon approval by the city council.

#### **§ 3.15.015 At-Will Relationship; Exempt Status.**

A. Except as otherwise specifically provided in the city charter, all employees of the city are at-will employees who may be terminated at any time without prior notice or cause and without right of hearing or appeal.

B. At-will positions include, but are not limited to, the following:

1. All positions listed in Section 901 of the city charter, and persons serving in those positions.

2. Newly hired full-time employees serving their initial probationary period or any extension of such initial probationary period; and full-time employees serving a promotional probationary period or any extension of a promotional probationary period.

3. Employees serving in a provisional appointment, non-benefited employees and contract employees.

4. Any position and/or person designated as at-will by city ordinance or personnel rules and regulations.

C. As used in the city charter and herein, the term "Department Heads" includes Chief of Police, Director of Public Works/City Engineer, Director of Development Services, Director of Administrative Services/Finances, Assistant City Manager, and Marine Safety/Lifeguard Chief, and as such titles may be amended or modified from time to time; and any newly created position, and person serving in such position, designated as a department head by ordinance or resolution.

D. All at-will positions, and persons serving in at-will positions as set forth in this Section 3.15.020, are exempt from the civil service system of the city.

### **§ 3.15.020 Appointment of City Manager.**

A. Employment Agreement. Except as indicated in this chapter, the provisions of Article VI of the city charter, and the employment agreement between the city and the city manager, govern the position of city manager. No provision of any employment agreement may modify any provision of the city charter or municipal code governing the city manager. In the event of any inconsistency between the city charter, the municipal code and an employment agreement, the city charter and this code shall prevail.

B. Removal of City Manager. The city council shall furnish the city manager with written notice stating its intention to remove such official from city employment and any reasons for its intended action at least 30 days before the effective date of the removal. The city council action to remove shall be final. Nothing in this chapter is intended to modify the city manager's status as an at-will employee serving at the pleasure of the city council.

### **§ 3.15.025 Employer-Employee Relations.**

The city charter and resolutions of the city council shall govern procedures for the administration of employer-employee relations.

### **§ 3.15.030 Civil Service, Classified Service or Competitive Service.**

The terms “civil service,” “classified service,” and “competitive service” may be used interchangeably to describe the civil service system established by the city charter.

### **§ 3.15.035 Appointing Authority.**

The city manager, or such other person designated by the city charter or ordinance to appoint persons to positions of employment, is the appointing authority for the city. The term “appointing authority” may be used interchangeably with “appointing power.”

### **§ 3.15.040 Adoption of Rules for Civil Service.**

A. The city council shall adopt personnel rules and regulations to govern all employees in the civil service. Such Rules may be amended from time to time. The rules shall be consistent with the city charter, and shall establish, at a minimum, specific procedures and regulations governing the following phases of the civil service system:

1. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;
2. Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;
3. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
4. Certification and appointment of persons from eligibility lists;
5. Temporary and emergency appointments;
6. Evaluation of employees;
7. Transfer, promotion, demotion, and reinstatement of employees;

8. Separation of employees through layoff, suspension, and dismissal;

9. Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare, and training;

10. Suitable provision for orderly and equitable presentations to the city manager by employees relating to general conditions of employment;

11. Content, maintenance, and use of personnel records and forms.

B. The city manager may adopt any other Policies and Procedures not inconsistent with the city charter, this code or the personnel rules and regulations, as he deems necessary to administer the civil service system.

#### **§ 3.15.045 Adoption of Rules for Exempt Positions.**

A. The city council, through consultation with the city manager and city attorney, may adopt and/or enact personnel rules and regulations and/or other regulations by resolution to govern the employment, discipline, termination, salaries, and benefits, of positions and persons exempt from the civil service system and all other persons holding at-will positions with the city.

B. The city manager may adopt policies and procedures for at-will positions subject to his power of appointment, where such policies and procedures are not inconsistent with the city charter, this code, or any personnel rules and regulations adopted by the city council.

#### **§ 3.15.050 Subpoenas.**

A. The personnel rules and regulations may authorize the personnel officer and any arbitrator or other hearing officer to have the power to examine witnesses under oath and compel their attendance or production of documents by subpoenas issued in the name of the city and attested by the city clerk.

B. The chief of police shall serve subpoenas authorized pursuant to this section and the personnel rules and regulations. Any person who refuses to attend or testify in accordance with such subpoena may be prosecuted.

#### **§ 3.15.055 Solicitation of Contributions.**

A. No officer, agent, clerk, or employee, under the government of the city, and no candidate for any city office shall, directly or indirectly, solicit or

receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution, or political service, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the employment lists or holding any position under the provisions of this chapter.

B. No officer or employee in the competitive service, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, for any purpose affecting his working conditions, from any person other than an officer or employee in the competitive service.

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## **Chapter 3.20 Purchasing System**

### **§ 3.20.005 Purchasing Officer.**

A. Position Creation. There is hereby created in the city government the position of purchasing officer. The city manager shall serve as the purchasing officer except that, with approval of the city council, the city manager may delegate to another officer or employee some or all of the powers and duties of the purchasing officer.

B. Powers and Duties. The purchasing officer shall have the following powers and duties:

1. To purchase supplies and equipment in accordance with the procedures set forth in this chapter.
2. To negotiate and recommend execution of contracts for the purchase of supplies and equipment.
3. To discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
4. To recommend to the city council rules to govern the purchase of supplies and equipment.
5. To keep informed of current developments in the field of purchasing, prices, market conditions and new products.
6. To maintain such forms as reasonably necessary for the implementation of this chapter.
7. To supervise the inspection of all purchased supplies and equipment to ensure conformance with specifications.
8. To maintain a bidders' list, vendors' catalog file and other records appropriate for the efficient operation of the purchasing department.

### **§ 3.20.010 Estimates of Requirements.**

The head of each department shall file with the purchasing officer detailed estimates of the department's requirements in supplies and equipment. Such filing shall be made at the time and in the manner prescribed by the purchasing officer.

### **§ 3.20.015 Purchase Orders.**

Department requests for supplies and equipment shall be made by standard purchase order forms. Prior to submission to the purchasing officer, each purchase order shall be reviewed and approved by the head of the department making the request.

### **§ 3.20.020 Encumbrance of Funds.**

Except in cases of emergency, the purchasing officer shall not purchase supplies or equipment unless there exists an unencumbered appropriation in the fund account against which such purchase is to be charged.

### **§ 3.20.025 Purchases Exempt from Bidding Requirements.**

The following purchases are exempt from the bidding requirements of this chapter:

A. Purchases made during an emergency from the nearest available source of supply.

B. Purchases of a commodity that can be obtained only from one vendor.

C. Purchases of professional services. This exemption applies without limitation to purchases of: architectural services; bond services; election services; engineering services; insurance services; legal services; public relations services; real estate services; and solid waste disposal services.

D. Purchases made in cooperation with the state, the county or another government entity for the purpose of obtaining a lower price upon the same terms, conditions and specifications.

### **§ 3.20.030 Formal Bid Procedure.**

A. Requirement. Except as otherwise provided in this chapter, purchases of supplies and equipment having an estimated value greater than \$20,000 shall be made from the lowest responsible bidder pursuant to the procedure set forth in this section.

B. Bid Invitation Notice. The bid invitation notice shall describe the articles to be purchased, shall indicate the time and place for bid opening and shall state where bid blanks and specifications may be secured.

1. Published Notice. Bid invitation notices shall be published at least 10 days before the opening of bids. Notice shall be published at least once



in a newspaper of general circulation, printed and published in the city. If there is no such paper, then notice shall be given by public posting.

2. Bidders' List. The purchasing officer shall also solicit sealed bids from all responsible prospective vendors whose names are on the bidders' list or who have requested that their names be added thereto.

3. Bulletin Board. The purchasing officer shall also advertise pending purchases by posting the notice on a public bulletin board at city hall.

C. Bidder's Security. When deemed necessary, the purchasing officer may prescribe bidder's security in the bid invitation notice. The bid security shall be returned to bidders provided, however, that a successful bidder shall forfeit its bid security upon failure to execute the purchase contract within 10 days after mailing of the notice of award of the contract.

D. Bid Opening Procedure. The purchasing officer shall receive only those bids that are sealed and identified as bids on the envelope. Bids shall be opened in public at the time and place indicated in the bid invitation notice.

E. Bid Rejection. In its absolute discretion, the city council may reject all submitted bids and direct the purchasing officer to issue a new bid invitation notice.

F. Contract Award. The city council shall award the purchase contract to the lowest responsible bidder. If the lowest responsible bidder fails to execute the contract within the allotted time, then the city council may award the contract to the next lowest responsible bidder. In such event, the bidder's security of the lowest responsible bidder shall be applied to the difference between the low bid and the next lowest bid and any surplus shall be returned to the lowest responsible bidder.

G. Tie Bids. If the lowest monetary bid is submitted by multiple responsive bidders, then the city council may award the purchase contract to the lowest responsible bidder that it deems appropriate. Alternatively, the city council may accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

H. Performance Bonds. When deemed necessary, the city council may require a performance bond as a condition to the award of a purchase contract. If a performance bond is required, then the form and amount of the bond shall be described in the bid invitation notice.

### **§ 3.20.035 Informal Bid Procedure.**

A. Requirement. Except as otherwise provided in this chapter, purchases of supplies and equipment having an estimated value less than \$20,000 shall be made by written contract pursuant to the applicable procedure set forth in this section.

B. Low Tier Purchases. The purchasing officer may purchase supplies and equipment having an estimated value not more than \$1,000 by soliciting a single vendor.

C. Middle Tier Purchases. The purchasing officer may purchase supplies and equipment having an estimated value in excess of \$1,000 and not more than \$5,000 by soliciting verbal bids from at least 3 vendors. The purchase contract shall be awarded to the vendor offering the lowest acceptable quotation.

D. High Tier Purchases. The purchasing officer may purchase supplies and equipment having an estimated value in excess of \$5,000 and not more than \$20,000 by soliciting written bids from at least 3 vendors. The purchase contract shall be awarded to the vendor offering the lowest acceptable quotation.

### **§ 3.20.040 Inspection and Testing.**

The purchasing officer shall inspect purchased supplies and equipment to determine their conformance with the specifications set forth in the purchase contract. The purchasing officer may require chemical and physical tests of samples.

### **§ 3.20.045 Council Authority to Waive Requirements.**

A. The city council may award a contract for the purchase of supplies and equipment without satisfaction of the bid requirements of this chapter upon making a finding that, due to the circumstances applicable to the particular purchase, the net cost to the city will be reduced by dispensing with bidding. Such finding shall be set forth in a resolution authorizing the waiver of the bid requirements.

B. The city council may award a contract for the purchase of supplies and equipment to other than the lowest responsible bidder upon making a finding that, due to the circumstances applicable to the particular purchase, the net cost to the city will be reduced by selection of a different vendor. Such finding shall be set forth in a resolution authorizing the waiver of the lowest responsible bidder requirement.

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## **Chapter 3.25**

### **Civil Defense and Disaster**

#### **§ 3.25.005 Definitions.**

For the purposes of this chapter, the following words and phrases shall mean:

- A. Assistant Director: assistant director of emergency services.
- B. Director: director of emergency services.
- C. Emergency: actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property in the city caused.
- D. Emergency Organization: city officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups or persons who by agreement or law are charged with duties incident to the protection of life and property in the city during an emergency.

#### **§ 3.25.010 Disaster Council Membership.**

The disaster council has previously been created and shall consist of the following:

- A. The mayor, who shall be chair of the council.
- B. The director, who shall be vice-chair of the council.
- C. The assistant director.
- D. Such chiefs of emergency services as are provided for in a current emergency plan of the city.
- E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council.

#### **§ 3.25.015 Disaster Council Powers and Duties.**

The disaster council shall have the following powers and duties:

- A. To develop and submit to the city council emergency and mutual aid plans, ordinances, resolutions and agreements.

B. To provide for the organization, powers, duties, services and staff of the emergency organization.

**§ 3.25.020 Director and Assistant Director Powers and Duties.**

A. The director shall have the following powers and duties:

1. To request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session.

2. To proclaim the existence of a local emergency if the city council is not in session. Such proclamation shall be null and void seven days after issuance unless ratified by the city council.

3. To request the governor to proclaim a state of emergency if locally available resources are inadequate to cope with an emergency.

4. To direct the efforts of the emergency organization.

5. To represent the city in dealings pertaining to an emergency.

6. To designate the order of succession of the director's office, which order shall be subject to city council approval and shall be effective in the event the director is unavailable during an emergency.

7. To do the following in the event of a proclaimed local emergency, state of emergency or state of war emergency:

a. Issue regulations on matters reasonably related to the protection of life and property as affected by such emergency. Such regulations shall be confirmed or repealed by the city council at the earliest practical time.

b. Obtain vital supplies and equipment at fair market value or to commandeer such items if immediately required.

c. Command the aid of as many citizens of the city as deemed necessary. This provision applies only to a state of emergency or state of war emergency.

d. Requisition necessary personnel or material of any city department or agency.

B. The assistant director shall have the following powers and duties:

1. Develop emergency plans under the director's supervision and with the assistance of the emergency service chiefs.

2. Manage emergency programs of the city.

**§ 3.25.025 Expenditures.**

Expenditures made in connection with emergency activities, including mutual aid activities, shall be conclusively deemed to be for the direct protection and benefit of the inhabitants and property of the city.

**§ 3.25.030 Prohibitions.**

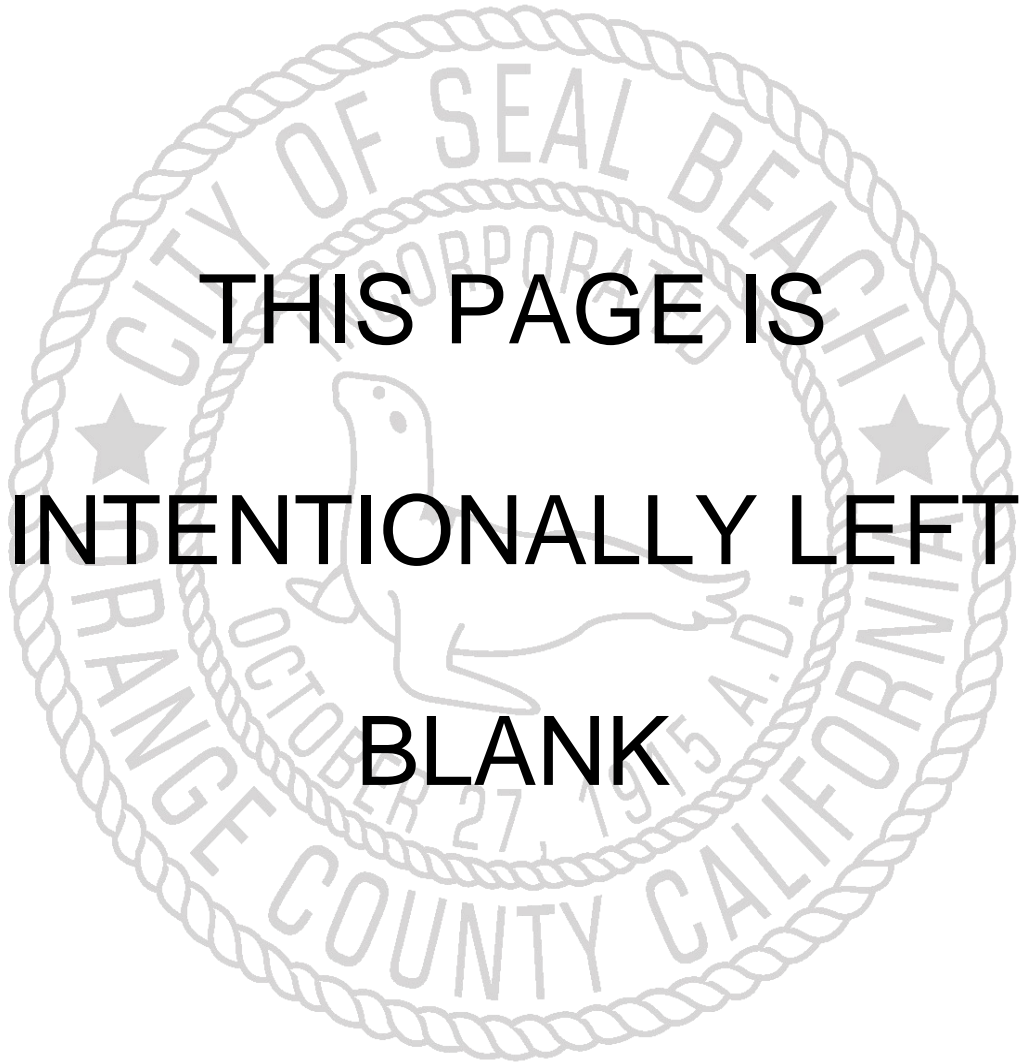
No person shall do any of the following during an emergency:

A. Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of a regulation issued pursuant to this chapter or in the performance of any duty imposed by this chapter.

B. Perform any act forbidden by regulation issued pursuant to this chapter, if the act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the life or property of any inhabitant of the city, or to prevent, hinder or delay the defense thereof.

C. Wear, carry or display without authority any means of identification specified by the emergency agency of the state.

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